IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1222 OF 2007

Sanjeev Rawat ... Petitioner

s.

State of Maharashtra & Anr. Respondents

Mr. Shyamkumar V.Marwadi,Advocate for the petitioner.
Mr. Y.S.Shinde, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE: 19th June, 2007.

P.C.

1. Heard Mr. Marwadi, learned Counsel for the petitioner and Mr. Shinde, APP, for the State.

2. The petitioner had filed a report against one Monji Shah with the Madhav Nagar Police Station at Ujjain, M.P. and it was registered as Crime No.461/1998. Mr. Monji Shah also lodged a report against the present petitioner before the Andheri Police

Station at Mumbai and it was registered as Crime No.3/1998. According to the petitioner, certain documents relevant for both the cases were in possession of Monji Shah and to avoid proper investigation of the case registered at the Madhav Nagar Police Station, he has produced those documents at the Andheri Police Station and unless the original documents are made available to the Investigating Officer at Madhav Nagar Police Station, investigation of that case cannot be properly done nor charge-sheet can be filed. According to him, handing over of these documents to the Investigating Officer, Madhav Nagar Police Station, Ujjain, is necessary for the purpose of referring those documents to a handwriting expert.

3. Earlier, by an order dated 27th July, 2006, this Court had directed the Inspector of Andheri Police Station to hand over three documents to the investigating Officer of Madhav Nagar Police station. Those documents were handed over and they are referred to the handwriting expert as per the direction given in the said order. It appears that when that order was being passed, the petitioner had sought liberty to move this Court to hand over the remaining documents also in case the handwriting expert’s report on those three documents is against Monji Shah.

4. By this Application, the petitioner seeks directions against Respondent No.1 - Inspector of Police, Andheri Police Station, Mumbai as follows :-

> "a) the Respondent No.1 to handover original documents viz. (i) Memorandum of Understanding dated 16.1.1992, Letter dated 12.8.1991 of Dr. N.V.Rawat, Letter dated 14.10.1991 and Letter dated 30/8/1994 and all other remaining documents which is in his custody in C.R.No.3/1998"

5. Mr. Shinde, learned APP, has no objection to allow this prayer with similar directions as are given in the order dated 27th July, 2006.

6. In view of the above, I hereby direct that :-

> (a) The Senior Inspector of Police, Andheri Police Station, Mumbai, shall hand over the original documents, viz. (i) Memorandum of Understanding dated 16.1.992, Letter dated 12.8.1991 of Dr. N.V.Rawat, Letter dated 14.10.1991 and Letter dated 30/8/1994 and all other remaining documents which are in his custody to the Investigating Officer, Mr. Bodana, in Crime no.461/1998 registered at the

Madhav Nagar Police Station, Ujjain, M.P. within two weeks from this date in a sealed cover.

While putting the documents in a sealed cover, they may be shown to the investigating officer, Madhav Nagar Police Station. The Investigating Officer of both the Police Stations shall put their signatures on the sealed cover to be opened by the handwriting expert.

(b) The handwriting expert, after recording his opinion, shall again in the presence of the investigating officer, put all the documents in sealed cover, which the investigating officer at Madhav Nagar Police Station shall again deliver it to the investigating officer at Andheri Police Station. The investigating officer at Andheri Police Station will be allowed to open the sealed cover and after verifying the receipt of the documents again put them in a sealed cover and preserve them to be produced in the case as per the orders of the Court.

(c) The handwriting expert shall give his opinion within five weeks from the date of receipt of the documents. This entire process

shall be completed within ten weeks from today. It is needless to express that the Inspector, Andheri Police Station, shall retain with him the legible copies of all the documents and get them duly attested by the Senior Inspector of Andheri Police Station.

(d) With these directions, the Application is disposed of.

(J.H.BHATIA,J.)